

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARIA C. GARCIA,

Plaintiff,

vs.

Civ. No. 09-203 RB/RHS

BOARD OF REGENTS OF THE  
UNIVERSITY OF NEW MEXICO,

Defendant.

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY**

**THIS MATTER** comes before the Court on Plaintiff's Motion to Compel Discovery [docket no. 37]. The Court has consider the Motion together with Defendant Board of Regents of the University of New Mexico's Response to Plaintiff's Motion to Compel Discovery (docket no. 42), Plaintiff's Reply in Support of Motion to Compel Discovery (docket no. 48) and Defendant Board of Regents of the University of New Mexico's Sur-Response to Plaintiff's Motion to Compel Discovery (docket no. 56) as well as all of the pleadings on file in the above-captioned cause and hereby concludes that the motion is at this time not well-taken and should be denied.

In Plaintiff's Motion to Compel Discovery, she seeks an order compelling the Defendant to disclose monthly leave reports for all exempt and non-exempt employees of the Continuing Education Department from January 1, 2006 through December 31, 2008 (RFP Nos. 11 and 12). In its response, Defendant objected as to the request on the grounds that they were irrelevant, overly broad and unduly burdensome. Defendant argues that the requests are irrelevant and

overly broad because they seek leave reports for persons who are not “similarly situated” as Plaintiff and because they seek reports for a period of time after Plaintiff resigned from her position with UNM. UNM asserts the requests are unduly burdensome because production would cost the Defendant over \$2,000 and finally Defendant objects on the basis that a disclosure of individual records could infringe on the privacy rights of those non-party persons. Plaintiff advised the Court that the Defendant, reserving its objections, had agreed to disclose “documents pertaining to leave reports for male employees and female pregnant employees in the Continuing Education Department from April 1, 2006 through April 1, 2008.” The Court asked for a Sur-Response from Defendant addressing the status of this agreement to produce. In the Board of Regents’ Sur-Response, counsel for Defendant indicates that she has supplemented UNM’s Response to Plaintiff’s Second Request for Production on January 27, 2010 and that although Defendant maintains its objections, it has agreed to provide Plaintiff with redacted leave reports. The Court agrees that by providing redacted leave reports, Defendant has sufficiently responded to Requests for Production Nos. 11 and 12 and that at this time, there is no purpose in compelling the disclosure of the individual identity of the employees whose leave reports have been provided. Therefore, the Court concludes that Plaintiff’s Motion to Compel should be denied.

**IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Compel Discovery [docket no. 37] is hereby denied.

Robert Hayes Scott  
ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE